

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jacqueline Asencio	Team: Team # 1	CCRB Case #: 201107484	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/06/2011 4:23 AM	Location of Incident: Linden Place & 35th Avenue	Precinct: 109	18 Mo. SOL 12/6/2012	EO SOL 12/6/2012	
Date/Time CV Reported Mon, 06/06/2011 4:29 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/09/2011 3:20 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Ragoo	01854	939268	109 PCT
2. POM Joseph Mangiapane	13440	943516	109 PCT
3. An officer			109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kevin Yam	07162	942728	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B. POM Jason Ragoo	Discourtesy: PO Jason Ragoo acted rudely toward § 87(2)(b)	
C. POM Joseph Mangiapane	Abuse: PO Joseph Mangiapane threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

§ 87(2)(b) filed this complaint by phone with IAB on June 6, 2011. The complaint was referred under log number 11-25836, and it was received at the CCRB on June 9, 2011. On June 6, 2011, at approximately 4:23am, § 87(2)(b) and his friend, § 87(2)(b) were walking to the number seven train station when PO Jason Ragoo, PO Joseph Mangiapane, and PO Kevin Yam, all from the 109th Precinct, stopped them at Linden Place and 35th Avenue in Queens. The following allegations resulted:

Allegation A: Force- An officer used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation B: Discourtesy- PO Jason Ragoo acted rudely toward § 87(2)(b)

Allegation C: Abuse of Authority- PO Joseph Mangiapane threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old Hispanic male, who is 5'5", weighs 140 pounds, has brown hair, and brown eyes. § 87(2)(b)

CCRB Testimony

§ 87(2)(b) provided a statement to the CCRB on June 17, 2011 (encl. 8a-8e). § 87(2)(g)

On June 6, 2011, at approximately 1:00am, § 87(2)(b) was with two of his friends, one of whom was later identified via investigation as § 87(2)(b) at an unknown restaurant in Queens. § 87(2)(b) did not know the name of the restaurant or where the restaurant was located since it was his first time going there. § 87(2)(b) had approximately five-to-six bottles of Corona beer in the span of two-to-three hours while he was at the restaurant. § 87(2)(b) had also drunk a lot while at the restaurant. In his CCRB phone statement, § 87(2)(b) stated that he had attended a party.

At approximately 4:00am, § 87(2)(b) who was "a little drunk," left the restaurant with his friends. § 87(2)(b)'s friend left in a taxi as § 87(2)(b) was going to accompany § 87(2)(b).

§ 87(2)(b) to the number seven train station. § 87(2)(b) did not recall which street he and § 87(2)(b) were walking on to get to the number seven train station. As he was walking, an individual called out to § 87(2)(b) and told him to approach his black or dark-colored vehicle that had stopped in the middle of the street. § 87(2)(b) did not recall the name of the street he was on when the individual had called out to him. § 87(2)(b) did not want to approach the car since he heard stories where individuals inside of a car would call people over to the vehicle, ask for identification, and then rob them. § 87(2)(b) feared this and did not approach the car.

Approximately three male plainclothes officers exited the vehicle and approached § 87(2)(b) and § 87(2)(b) on the sidewalk. § 87(2)(b) denied that he was fighting with § 87(2)(b). § 87(2)(b) did not recall what the officers looked like and could not articulate the races of the officers, their height, their hair color, etc. The investigation determined that PO Jason Ragoo, an Asian male with black hair standing at 5'6", PO Joseph Mangiapane, a white male with brown hair standing at 6'5", and PO Kevin Yam, an Asian male with black hair standing at 5'10", exited the vehicle.

One of the plainclothes officers asked § 87(2)(b) for his ID, and § 87(2)(b) provided the ID to him and said nothing to the officers. § 87(2)(g), § 87(2)(b)

§ 87(2)(b).) § 87(2)(b) thinks that PO Ragoo took his ID back to the police vehicle. § 87(2)(b) did not recall what took place as he waited for his ID and believed that § 87(2)(b) was still present because PO Ragoo also asked for his ID. (The investigation determined that PO Yam had spoken to § 87(2)(b) and had obtained his contact information.)

§ 87(2)(b) did not recall exactly what took place next, but he remembered that he was pushed once on his chest by an officer and he fell to the ground. As a result, he scraped both of his elbows when he landed backwards on the ground. The officers said nothing to § 87(2)(b) before he was pushed, and § 87(2)(b) thinks only one person had pushed him. § 87(2)(b) did not recall how long PO Ragoo spent in the police car before he returned where they were standing, and he did not recall if he was pushed at the time he waited for his ID or when PO Ragoo returned with his ID. § 87(2)(b) did not recall how he got up.

§ 87(2)(b) called 911 because an officer had pushed him. As he was looking for the name of the street to tell the 911 operator his location, PO Ragoo threw § 87(2)(b)'s ID and summons on the ground. Later in the interview, § 87(2)(b) stated that PO Ragoo left the ID and the summons on the ground. § 87(2)(b) then stated that he did not see when PO Ragoo threw the items on the ground and stated that he later saw that the summons and ID were already on the ground. § 87(2)(b) did not want to pick up the summons, but § 87(2)(b) told him to do so. An unmarked car (whose color he did not recall) arrived at the scene but § 87(2)(b) was not sure if it was the same vehicle PO Ragoo, PO Yam, and PO Mangiapane were in or a different vehicle altogether. A male voice told § 87(2)(b) from inside the car, "Pick up the ticket or we are going to take you to jail." § 87(2)(b) did not know who made the statement since he did not see who said it since the man was in the car approximately twelve feet away. The vehicle then drove away. In his CCRB phone statement, § 87(2)(b) stated that after he called 911 no one responded to the scene and he picked up his summons, his ID, and left.

Attempts to Contact Witness

When § 87(2)(b) was interviewed, he did not know the name of § 87(2)(b). The undersigned called § 87(2)(b) on July 8 and August 2, 2011 in order to obtain the name and contact information for § 87(2)(b) but § 87(2)(b) did not return any of the undersigned's messages. When PO Yam was interviewed, he noted § 87(2)(b)'s name and address in his memo book. A Lexis Nexis search for § 87(2)(b)'s name in NY yielded negative results. A 411.com and a Lexis Nexis search for § 87(2)(b)'s address yielded no phone number. The undersigned mailed two Spanish "please call" letters to § 87(2)(b)'s address on November 9 and November 21, 2011. The letters were returned by the United States Postal Service as "return to sender."

NYPD Statements:

Subject Officer: PO JASON RAGOO

- § 87(2)(b) -year-old Asian male, height 5'6", weight 200 pounds, black hair and brown eyes.
- On June 6, 2011, PO Ragoo was assigned to the Impact unit and worked with PO Kevin Yam and PO Joseph Mangiapane from 9:00pm to 5:35am. PO Ragoo worked in plainclothes and was assigned to an unmarked vehicle.

Memo Book

PO Ragoo noted in his memo book at 4:23am that § 87(2)(b) and § 87(2)(b) were stopped at the corner of Linden Place and 35th Avenue for fighting. PO Ragoo also noted in his memo book that § 87(2)(b) was belligerent and combative with him and he issued § 87(2)(b) a summons (§ 87(2)(b)) (encl. 11a-11c).

Summons

On June 6, 2011, PO Ragoo issued § 87(2)(b) a § 87(2)(b), § 87(2)(a) 160.50 summons for fighting (summons #: § 87(2)(b)) (encl. 12a).

CCRB Testimony

PO Ragoo provided a statement to the CCRB on August 11, 2011 (encl. 13a-13b). On June 6, 2011, at approximately 4:23am, PO Ragoo, PO Yam, and PO Mangiapane were driving their patrol vehicle when they observed § 87(2)(b) and § 87(2)(b) on the sidewalk being combative with each other and arguing on the corner of Linden Place and 35th Avenue in Queens. All three officers made the observation at the same time. PO Ragoo observed § 87(2)(b) pushing § 87(2)(b) up against the wall, wrestling with his clothing, hurdling a closed fist toward him, yelling and screaming. PO Ragoo did not recall whose decision it was to approach § 87(2)(b) and § 87(2)(b).

When the officers exited the police vehicle, the officers told the men, "Stop. Hey guys, cut it out. Move along the way," but they "kept going." PO Ragoo spoke to § 87(2)(b) who was the initial aggressor, and asked him, "What is going on here?" § 87(2)(b) became combative toward PO Ragoo by telling the officer in broken English and Spanish that he did not have any reason to stop him and told PO Ragoo to mind his own business. PO Ragoo also stated that § 87(2)(b) told him, "I'll mess you up." When the undersigned asked PO Ragoo if § 87(2)(b) seemed intoxicated, PO Ragoo stated, "He seemed fine." PO Ragoo did not recall if § 87(2)(b) was intoxicated.

As PO Ragoo spoke to § 87(2)(b) PO Yam and PO Mangiapane were behind PO Ragoo. PO Ragoo, PO Yam, and PO Mangiapane did not speak to § 87(2)(b) who remained at the scene.

PO Ragoo asked § 87(2)(b) for his identification, and § 87(2)(b) provided the ID. PO Ragoo did not ask § 87(2)(b) for his identification, and did not know if PO Yam or PO Mangiapane asked for his ID. PO Ragoo conducted a warrant check on § 87(2)(b) as he stood on the sidewalk. PO Ragoo did not recall how long it took him to run the warrant check. However, during the time PO Ragoo was running the warrant check, § 87(2)(b) continued to act belligerent and combative. PO Ragoo told § 87(2)(b) numerous times to “calm down,” and even § 87(2)(b) tried to calm § 87(2)(b) down. PO Ragoo did not recall if PO Yam or PO Mangiapane spoke to § 87(2)(b) to try to calm him down. As § 87(2)(b) was acting combative and belligerent, he tried to get closer to PO Ragoo, but PO Ragoo kept backing away from him since he did not want a confrontation in the street, and tried to keep five feet away from him. PO Ragoo stated that he did not have any physical contact with § 87(2)(b). PO Yam and PO Mangiapane did not have any physical contact with § 87(2)(b). PO Ragoo stated that no one pushed § 87(2)(b) and he was never on the ground. PO Ragoo did not observe any injuries on § 87(2)(b).

After PO Ragoo determined that § 87(2)(b) did not have a warrant, he went back to the police vehicle to retrieve his memo book and summons book. PO Ragoo returned to the front of the car where he could see § 87(2)(b) and write him the C-summons for § 87(2)(b). After he wrote the summons to § 87(2)(b), PO Ragoo handed § 87(2)(b) the summons. PO Ragoo did not throw § 87(2)(b)'s summons or ID on the ground. When PO Ragoo gave § 87(2)(b) the summons, he was on the phone. By this time the confrontation § 87(2)(b) had with § 87(2)(b) was over and § 87(2)(b) was trying to calm § 87(2)(b) down from his interaction with the police. PO Ragoo was going to read § 87(2)(b) the summons, but § 87(2)(b) left. PO Ragoo did not have to return to the location. PO Ragoo did not threaten to arrest § 87(2)(b) or hear his partners threatening to arrest him.

Subject Officer: PO JOSEPH MANGIAPANE

- § 87(2)(b) -year-old white male, height 6'5", weight 235 pounds, brown hair, and blue eyes.
- On June 6, 2011, PO Mangiapane was assigned to the Impact unit and worked with PO Jason Ragoo from 9:00pm to 5:35am. Although PO Mangiapane stated that he did not recall if he worked with any other partner besides PO Ragoo, the investigation determined that PO Kevin Yam also worked with PO Mangiapane. PO Mangiapane worked in plainclothes, and he was assigned to an unmarked vehicle.

Memo Book

PO Mangiapane did not have any memo book entries regarding the incident (encl. 14a-14c).

CCRB Testimony

PO Mangiapane provided a statement to the CCRB on September 21, 2011 (encl. 15a-15b). § 87(2)(g)

§ 87(2)(g) PO Mangiapane and PO Ragoo were driving inside of their police vehicle when they observed § 87(2)(b) and § 87(2)(b) screaming in the street and arguing with each other in Spanish at Linden Place and 35th Avenue in Queens. PO Mangiapane did not recall who first observed § 87(2)(b) and § 87(2)(b). The officers stopped § 87(2)(b) and § 87(2)(b) because they were screaming in the street and arguing with each other. PO Mangiapane did not recall whose decision it was to stop § 87(2)(b) and § 87(2)(b). PO Mangiapane did not recall if they had a discussion before exiting the car on what they wanted to

do once they exited the vehicle. PO Mangiapane did not know what § 87(2)(b) and § 87(2)(b) were screaming about because they spoke in Spanish. The officers also stopped them to make sure everything was alright.

Once out of the vehicle, PO Mangiapane did not recall who spoke to § 87(2)(b) or § 87(2)(b). PO Mangiapane stated that when § 87(2)(b) was stopped, he went up close to PO Ragoo's face, approximately a foot or less away and started screaming and flailing his arms and raising his hands on either side of him saying, "You want to make a problem with us? What is your problem? Why are you stopping us?" PO Mangiapane did not recall if § 87(2)(b) and § 87(2)(b) were intoxicated.

§ 87(2)(b) was explained the reason for the stop and PO Ragoo and PO Mangiapane told § 87(2)(b) to step back multiple times, but he did not comply and continued raising his hands on either side of him. PO Mangiapane did not recall what § 87(2)(b) was saying at the time. PO Mangiapane told § 87(2)(b) that if he did not want to cooperate with him, he would have to arrest him. After PO Mangiapane told § 87(2)(b) that he could be placed under arrest, § 87(2)(b) did not change his demeanor. The officers did not have to move § 87(2)(b) away from PO Ragoo. PO Mangiapane did not have any physical contact with § 87(2)(b) and he did not see PO Ragoo have any physical contact with him. PO Mangiapane did not push § 87(2)(b) to the ground. PO Mangiapane did not recall who asked for § 87(2)(b)'s ID. PO Ragoo issued § 87(2)(b) a summons for § 87(2)(b) in lieu of placing him under arrest. The summons was written inside of the patrol vehicle. PO Ragoo handed § 87(2)(b) the summons and his ID. PO Mangiapane did not recall what § 87(2)(b) did with the summons and did not recall if he saw the summons fall to the ground. The officers then left the location. PO Mangiapane received a call to return back to the location, but they did not respond. PO Mangiapane did not tell § 87(2)(b) to pick up the summons or he would take him to jail or hear PO Ragoo make that statement.

Witness Officer: PO KEVIN YAM

- § 87(2)(b) -year-old Asian male, height 5'10", weight 170 pounds, black hair and brown eyes.
- On June 6, 2011, PO Yam was assigned to the Impact unit and worked with PO Jason Ragoo and PO Joseph Mangiapane from 9:00pm to 5:35am. Although PO Yam stated he worked in uniform, he was working in plainclothes and he was assigned to an unmarked vehicle.

Memo Book

PO Yam noted in his memo book at 4:17am that they had § 87(2)(b) and § 87(2)(b) stopped at 135-11 35th Avenue. PO Yam also noted in his memo book § 87(2)(b)'s name, address, pedigree, and date of birth (encl. 16a-16c).

CCRB Testimony

PO Yam provided a statement to the CCRB on October 25, 2011 (encl. 17a-17b) § 87(2)(g)

As the police vehicle approached 135-11 35th Avenue in Queens, PO Yam observed § 87(2)(b) and § 87(2)(b) on the sidewalk who appeared as if they were about to engage in a fight since they were pushing each other and speaking loudly toward each other in Spanish. PO Yam heard the men in a verbal altercation, but he did not know what the men were saying because they were speaking in Spanish. PO Yam did not see either § 87(2)(b) or § 87(2)(b) fall to the ground. At the time of the observation, the police vehicle was

approximately hundred feet away, and the car was driving approximately ten-to-fifteen miles per hour. The officers decided to stop the men for assault, and it was a group decision to stop them. PO Yam stated that based on their observation of § 87(2)(b) and § 87(2)(b) pushing each other and speaking loudly, they thought that either the men had fought, were about to fight, or were fighting.

When the officers exited the vehicle, PO Ragoo spoke to § 87(2)(b) and PO Yam spoke with § 87(2)(b), § 87(2)(b) and § 87(2)(b) were able to communicate in English, but not that well. After the officers explained the reason for the stop, PO Yam did not believe § 87(2)(b) understood why he was stopped. The officers probably spoke to § 87(2)(b) and § 87(2)(b) at the same time, and determined that § 87(2)(b) and § 87(2)(b) were acquaintances who were arguing over something that PO Yam did not recall. The officers determined that there was no criminality involved and PO Ragoo requested § 87(2)(b)'s ID. § 87(2)(b) was being loud and confrontational and was combative toward all the officers. § 87(2)(b) did not become physical with PO Ragoo, and PO Ragoo did not have to step back away from § 87(2)(b). PO Yam did not see PO Ragoo have any physical contact with § 87(2)(b). PO Yam did not have any physical contact with § 87(2)(b) or see PO Mangiapane have physical contact with him. PO Yam did not push § 87(2)(b) or see his partners push him, and he did not see § 87(2)(b) on the ground. PO Yam did not remember if PO Mangiapane had any verbal contact with § 87(2)(b) or § 87(2)(b). PO Yam thought that the men did have a few drinks, but to the level of intoxication, PO Yam stated, "We didn't stick around long enough to determine how intoxicated they were." PO Yam thought that the men might have had a few drinks based on their behavior, body language, and their initial reaction toward the police.

PO Ragoo returned to the police vehicle in order to write § 87(2)(b) a § 87(2)(b). PO Yam and PO Mangiapane also went to the police car when PO Ragoo went to write § 87(2)(b) the summons. PO Ragoo sat in the vehicle as he wrote the summons. § 87(2)(b) was not issued a summons. PO Yam stated that § 87(2)(b) could have been arrested but he was given a summons in lieu of being placed under arrest. PO Yam did not recall if he threatened to arrest § 87(2)(b) and stated that PO Ragoo and PO Mangiapane did not threaten to arrest him. PO Yam did not remember when PO Ragoo handed § 87(2)(b) the summons. PO Yam did not know what § 87(2)(b) did with the summons once it was given to him. PO Yam did not observe PO Ragoo throw § 87(2)(b)'s summons and ID on the ground. After § 87(2)(b) was issued his summons, the officers resumed patrol. The officers did not have to return to the location.

NYPD Documents

Sprint Print-Outs

- At 4:23am, the warrant check for § 87(2)(b) was negative. At 4:31am, it was radioed that a summons was served. At 4:34am, § 87(2)(b) called 911 and reported that he was pushed. § 87(2)(b) also reported that four plainclothes detectives threw his items on the ground, gave him a ticket, and he refuses to pick up the ticket (encl. 18a-18c).

109th Precinct Roll Calls-Tour 3 and Tour 1

- Roll call tour 3 for June 5, 2011 and roll call tour 1 for June 6, 2011 does not list PO Ragoo, PO Yam, or PO Mangiapane as being on duty (encl. 19a-19j).

Summons for Incident and Disposition

- § 87(2)(b), § 87(2)(a) 160.50

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of February 17, 2012 with regard to the incident (encl. 21a).

Civilian Criminal History

- § 87(2)(b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 4a).

Subject Officers CCRB History

- PO Jason Ragoo has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 2a-2b).
- PO Joseph Mangiapane has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 3a).

Conclusion

Identification of Subject Officers

- § 87(2)(b) testified that he could not recall the descriptions of the officers except that they were male. § 87(2)(b) alleged that an officer had pushed him, but he could not provide a description of the officer, and none of the officers interviewed admitted to having pushed him. § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)

Allegation Not Pled

PO Ragoo, PO Yam, and PO Mangiapane testified that as they were on patrol they observed § 87(2)(b) and § 87(2)(b) engaged in a physical and verbal altercation with each other. The officers stopped § 87(2)(b) and § 87(2)(b) for assault, and to investigate why they were arguing and screaming. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: An officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that he drank five-to-six bottles of Corona beers in a span of two-to-three hours and was “a little” intoxicated at the time he interacted with the police officers. § 87(2)(g)

§ 87(2)(b) could not articulate to the CCRB the name of the restaurant he was at, the street he was walking on, or any physical descriptions of the officers who had stopped him. § 87(2)(b) alleged that after PO Ragoo went to the police vehicle with his identification, he did not recall what took place, but remembered that he was pushed once on his chest by an officer and he fell down to the ground. § 87(2)(b) scraped both his elbows when he landed backwards on the ground. § 87(2)(b) mentioned in his in-person interview that he did not recall if he was pushed at the time he waited for his ID or when PO Ragoo returned with his ID. In his initial complaint to IAB and in his phone statement, § 87(2)(b) is consistent when he alleged that he was pushed by an officer. Yet, § 87(2)(b) could not articulate which officer pushed him in any of his statements.

PO Ragoo testified that § 87(2)(b) was combative and belligerent during the stop and had tried to get closer to him that he kept backing away from § 87(2)(b). PO Ragoo testified that he tried to stay five feet away from § 87(2)(b) since he did not want a confrontation in the street. PO Ragoo denied that he had any physical contact with § 87(2)(b). PO Mangiapane testified that § 87(2)(b) had stood approximately a foot or less away from PO Ragoo's face screaming, flailing and raising his hands. PO Mangiapane testified that they did not have to move § 87(2)(b) away from PO Ragoo, and denied that he or PO Ragoo had physical contact with him. PO Yam, who also stated that § 87(2)(b) was loud and confrontational, did not testify that PO Ragoo had to step back away from § 87(2)(b) or that he or any of his partners pushed him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B: PO Jason Ragoo acted rudely toward § 87(2)(b)

§ 87(2)(b) testified that an officer threw his ID and summons on the ground. In his in-person interview, § 87(2)(b) changed his testimony twice when he stated that he did not see when the officer had thrown the items on the ground and when he stated that he later saw that the items were already on the ground. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) PO Ragoo testified that he requested § 87(2)(b)'s identification and conducted a warrant check and ultimately wrote § 87(2)(b) a summons. PO Ragoo testified that he handed § 87(2)(b) the summons and denied that he had thrown the items on the ground. PO Yam did not remember when PO Ragoo handed § 87(2)(b) the summons, and PO Mangiapane testified that he observed PO Ragoo hand § 87(2)(b) the summons and his ID. PO Yam and PO Mangiapane denied that PO Ragoo had thrown § 87(2)(b)'s summons and ID on the ground. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C: PO Joseph Mangiapane threatened to arrest § 87(2)(b)

PO Mangiapane testified that during the stop § 87(2)(b) stood approximately a foot or less away from PO Ragoo's face screaming and flailing and raising his hands on either side of him saying, "You want to make a problem with us? What is your problem? Why are stopping us?" PO Mangiapane testified that he and PO Ragoo told § 87(2)(b) multiple times to step back, but he did not comply and continued raising his hands on either side of him. PO Mangiapane testified

that he told § 87(2)(b) that he would have to arrest him, if he did not comply. PO Mangiapane stated that after he told § 87(2)(b) that he could be placed under arrest, § 87(2)(b) did not change his demeanor. PO Mangiapane stated that § 87(2)(b) was issued a summons for § 87(2)(b) in lieu of being placed under arrest. PO Mangiapane testified that he did not tell § 87(2)(b) that if he did not pick up the summons he would take him to jail.

§ 87(2)(b) testified that a male voice told him from inside an unmarked vehicle, “Pick up the ticket or we are going to take you to jail.” § 87(2)(b) testified that he was not sure if the vehicle was the same vehicle PO Ragoo, PO Yam, and PO Mangiapane were in or a different vehicle altogether. PO Mangiapane admitted that he told § 87(2)(b) that he could be placed under arrest based on his behavior toward PO Ragoo and his refusal to comply with his and PO Ragoo’s instructions. PO Ragoo and PO Yam did not corroborate PO Mangiapane’s testimony in regards to the threat of arrest and stated that § 87(2)(b) was not threatened with arrest at all.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: One

:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

